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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,748	10/04/2000	Makoto Sakakibara	54030USA7A.0	3966
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3M INNOVATIVE PROPERTIES COMPANY			EXAMINER	
PO BOX 33427			CHANG, VICTOR S	
ST. PAUL, M	N 55133-3427		5 5, 10.010	
			ART UNIT	PAPER NUMBER
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			151	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be available under the provisions of 37 CPR 1.75(e), in no event, however, may a reply be timely filed Extractions of time may be available under the provisions of 37 CPR 1.75(e), in no event, however, may a reply be timely filed If the period for reply separation and subsequent of the provision of the period for reply separation and subsequent of the period for reply separation of reply is period bove, the maximum statutory period will apply and will expire X(6) (MONTHS from the making date of his communication, even if timely (10) days will be considered firmly. If No period for reply separation above, the maximum statutory period will be provided to the communication, even if timely filed, may reduce any samed patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 13 January 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) 1-3 and 5 is/are allowed. 6) Claim(s) 1-3 sid are objected to. 8) Claim(s) 1-3 sid are subject to restriction and/or election requirement. Application Papers 9) The prediction is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 11 proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner. 12 The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner. 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 14) Acknowledgment is made of a claim for domestic priorit			53					
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Th MALING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Exampsion 5 on term plus a prediction under the processor of 3 CFR 1.158(s). In or event, however, may a righy be limitely field Exampsion 5 on term plus a prediction under the processor of 3 CFR 1.158(s). In or event, however, may a righy be limitely field Exampsion 5 on the processor of the processor of 5 CFR 1.704(s). Set 3 on 1 cells of 1 cells o	Office Action Summary	Examiner	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION. Extensions or term ray be available under the proteines of 32 FR 1.13(b). In or event, however, may a reply be simely filed after SX (8) MONTHS from the mailing date of this communication. If NO protein or reply is available under the proteines of 32 FR 1.13(b). In or event, however, may a reply the simely filed after SX (8) MONTHS from the mailing date of this communication. If NO protein or reply is available under the mailing date of this communication, even if firely (8) days will be considered freely. If NO proteined by the Office later than these months after the mailing date of this communication, even if firely filed, may reduce any examely part term adjustment. Sea 97 FPR 1.79(b). Status 1) Responsive to communication(s) filed on 13 January 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merrits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3 file action is objected to by the Examiner. Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Acknowledgment is made of a claim for domestic priority documents have been received. 12) Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). See the attached d	Period for Reply							
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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Rejections not maintained are withdrawn.

Response to Amendment

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is noted that Applicant has made corrections in claims 1 and 2, however, it appears additional claim language corrections are still needed:

In claim 1, line 1, the Examiner suggests change "which has" to --said backing having--.

In claim 1, line 4, and claim 2, line 5, the phrase "comprising a material selected from the group" is open ended language, and as such is clearly not proper Markush terminology.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over NITTO DENKO CORP in view of Canary, substantially for the reasons set forth in section 5 of Paper No. 11 and section 4 of Paper No. 6, together with the following additional observations.

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With respect to Applicant's Response arguing that "the references, as combined, fail to present a prima facie case of obviousness because the references fails to teach that the combination would reasonably be expected to work as a tape backing" (Response, page 4, first paragraph), the Examiner would like to reiterate that claim 1 is directed to "a paper backing for supporting a secondary layer" which is considerably broader than the adhesive tape art (see section 5 of Paper No. 11).

With respect to Applicant's argument that "no reference teaches the short fibers having a length within the range of about 3 to 20 mm and comprising a material selected from ..." (Response, page 4, 2nd paragraph), the Examiner reiterates that in Example 1, Canary teaches a wood pulp has a fiber length between 2 and 5 mm. As such, the short fiber length is anticipated by Canary (see section 3 of Paper No. 6).

Finally, the newly added method claim 5 clearly employ essentially conventional method steps only, and as such are rejected.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Victor S Chang whose telephone number is 703-605-

4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9310

for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

0661.

VSC

January 30, 2003

DANIEL ZIRKER PRIMARY EXAMINER GROUP 1300-

1700

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Daniel Zukin